

American  
Bar Assoc.

ADMINISTRATIVE FILE  
AMERICAN BAR ASSOCIATION  
ORGANIZED 1879  
SECTION OF LABOR RELATIONS LAW  
1942-1963

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New York, N. Y.  
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Theodore S. Haddock, Cleveland, Ohio  
George E. Haddock, Los Angeles, Calif.  
Franklin D. Haddock, Indianapolis, Ind.

January 11, 1960

Mr. Messrs. Walter B. Haddock, Co-Chairman, Special "Gull-Varrier" Committee  
Messrs. Haddock & Haddock, Co-Chairman, Special "Haddock-Haddock" Com-  
mittee  
Messrs. Haddock and O'Connell, Co-Chairman, Special "Haddock" Com-  
mittee

As you know, these three committees were directed to have a  
report ready prior to the Mid-Winter Session of the Council which takes  
place on January 1 and 2, 1960. The committees were appointed as late,  
however, that it may not be possible to have a final report ready by that  
time.

Mr. Ferguson and I have discussed the matter, and we would ask  
that you should be able to submit a preliminary report, as nearly final  
as possible. This report should, at the least, give the Council the sense  
of your Committee's thinking; and if there is a division of views, an ex-  
pression of which is the majority and which is the minority. Please send  
me about 20 copies.

I know it is an imposition to ask you to do this in such little time,  
but I hope your hearts retain enough of the Christmas spirit to arrive soon.

Sincerely,

Morris P. Glushien /S/

Morris P. Glushien  
Chairman

cc: Tracy H. Ferguson, Esq.

COPY

INTERNATIONAL BROTHERHOOD OF TEAMSTERS  
CHAUFFEURS · WAREHOUSEMEN & HELPERS  
OF AMERICA

OFFICE OF  
• JAMES R. HOFFA •  
GENERAL PRESIDENT  
25 LOUISIANA AVE., N.W.

WASHINGTON 1, D.C.

June 27, 1960



ADMINISTRATIVE FILE

*American Bar Association -  
Committee on the Development  
of the Law of Union  
Administration and Pro-  
cedure of the Labor Relations  
Section*

TO: All Attorneys Representing Teamster

Dear Sir:

The Committee on the Development of the Law of Union Administration and Procedure of the Labor Relations Section of the American Bar Association is conducting a survey concerning problems arising under the first six titles of the Landrum-Griffin Act. To enable this office to assist the Committee, it will be greatly appreciated if you would furnish us with answers to the enclosed questionnaire concerning litigation, the investigation of complaints and the practical application of the act.

If you reply directly to the Committee's inquiry, please send a copy of your reply to this office.

With best wishes,

Sincerely yours,

*Florian J. Bartosic*  
Florian J. Bartosic  
House Counsel

FJB/alb  
Encl

LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

I. Litigation

Do you know of any litigation in state or federal courts growing out of the first six titles to the Labor-Management Reporting and Disclosure Act of 1959, other than reported cases? Yes ( ) No ( )

If "yes" please provide the following information:

1. Name of case and court in which brought.
2. Nature of complaint and statutory provision involved.
3. Relief requested.
4. Was any temporary relief granted?
5. Is the matter still pending? If not, what was the final disposition?
6. Approximate size of the labor organization involved.

II. Investigation of Complaints

Has the Bureau of Labor-Management Reports, U. S. Department of Labor, been in touch with any of your clients with respect to possible violations of the Law? Yes ( ) No ( )

If "yes" please provide the following information:

1. Is your client a labor union or employer?
2. What provision of the law was involved?
3. What was the matter under investigation?
4. Were there any formal proceedings by way of subpoena, hearing, etc.?
5. What is the present status of the matter?
6. If a union was involved, approximate number of members.



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III. Practical Application of Act

We would appreciate any comments on the practical operation of the statute, you might care to make, in the light of your experience. This might include comments concerning procedural aspects of litigation in the courts, the investigative procedures of the Department of Labor, or any other phase which you feel should be given attention.

Please send your replies to F. J. Bartosic, 25 Louisiana Avenue, N. W., Washington 1, D. C.

*ni* *Thy* **WESTERN UNION** *Thy* ↑  
SENDING BLANK

MDV	7-25-61	CHARGE TO	INTL BRO. OF TEAMSTERS
			ADMINISTRATIVE FILE
MISS MARIAN BEST			
CONVENTION RESERVATION BUREAU			
911 LOCUST STREET, ROOM 405			
ST. LOUIS, MISSOURI			
X <i>Invitation</i>			
X			

PLEASE CANCEL RESERVATION AT ROOSEVELT HOTEL.

FLORIAN J. BARTOSIC  
25 LOUISIANA AVENUE, NW  
WASHINGTON, D. C.

**EFL**

Send the above message, subject to the terms on back hereof, which are hereby agreed to

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1204—(R 4-55)

WESTERN UNION

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CALL LETTERS

MDV

7-20-61

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INTL BRO. OF TEAMSTERS

MISS MARIAN BEST

CONVENTION RESERVATION BUREAU

911 LOCUST STREET, ROOM 405

ST. LOUIS, MISSOURI

ADMINISTRATIVE FILE

American Bar Association

X

X

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ADMINISTRATIVE FILE

GENERAL SECRETARY-TREASURER ENGLISH

ATT: MR. MULLENHOLZ  
F. J. BARTOSIC

Practising Law  
B July 19, 1931  
X

This will advise that the office of the General President has authorized me to attend, at union expense (see copy of attached memo dated July 13, 1931), the sessions of the Labor Relations Practising Law Institute, which will be held in New York City during the week of July 24, 1931, and the meetings of the Labor Relations Section of the American Bar Association, which will be held in St. Louis during the week of August 7, 1931.

There is a \$50.00 fee for attending the Practising Law Institute and I would appreciate it very much if you would have a check drawn in that amount payable to the Practising Law Institute. Please have the check sent to me and I will in turn forward it to the Practising Law Institute with my enrollment application.

Florian J. Bartosic  
House Counsel

FJB/alb  
Atchmt



TEAMSTERS NEWS SERVICE  
25 Louisiana Ave. N. W.  
Washington, D. C.  
September 4, 1959

ADMINISTRATIVE FILE  
*American Bar Association*  
X  
X

10-POINT CODE PROPOSED  
FOR CONGRESSIONAL COMMITTEE

(Teamsters News Service)

WASHINGTON, D. C. (SPECIAL) Teamster attorney Edward Bennett Williams urged the annual convention of the American Bar Association last month to support a code of procedures for Congressional investigations "to end the abuse of human rights by Congressmen."

Williams said that Congressional committees and their investigators have violated the American bill of rights and the mandate of the U. S. Supreme Court. They have usurped the power of grand juries and the courts, he said.

"The power of Congressional inquiry confers no right to conduct an investigation for the purpose of castigating, humiliating, degrading, exposing or punishing a witness or any other person.

"Congress can maintain the respect of the American people only if it assumes the responsibility of safeguarding the legal and constitutional rights of all witnesses before its committees, and all other persons who may be adversely affected by exercise of the Congressional power of inquiry," Williams declared.

He said that Congressional committees abuse their right of subpoena powers "by demanding records that are of no concern to them." He specifically cited the McClellan Committees' demand

-more-

for all the records of the International Brotherhood of Teamsters dating back to 1945.

"It would take 15 freight cars to haul the records demanded by the McClellan Committee from the headquarters of the Teamsters Union," he said.

Williams proposed a 10-point code of proper behavior for Congressional investigating committees. They include the following:

--All subpoenas or requests to testify shall be in writing, shall state the question under inquiry, and the subject matter of the interrogation to be directed toward the witness, and the subpoena shall be served at least 48 hours in advance of his appearance.

--No subpoena shall be issued without the approval of the majority of the committee unless the majority has delegated the power to issue subpoenas to the chairman and a member of the minority political party.

--Every witness shall have the right to be accompanied by counsel.

--Every witness shall have the right to read a prepared statement of reasonable length into the record.

--No witness shall be compelled to testify at any hearing unless at least two members of the committee are present.

--No witness shall be compelled to have his testimony broadcast, televised or filmed for newsreel.

--No witness who has testified in executive session shall be required over his objection to repeat his testimony on the same subject matter in open session.

--All testimony which is likely to defame another person shall be heard in executive session. If defamatory testimony is to be offered, the person defamed shall be notified in advance, and shall be entitled to testify on his own behalf at the same

hearing.

--No committee report containing defamatory statements shall be made public unless the person defamed is given an opportunity to testify before the committee, and his testimony published or summarized as part of the report.

--Every person shall be given a reasonable opportunity to inspect the transcript of his testimony in person and by counsel and to make proper correction.

\* \* \* \* \*

ADMINISTRATIVE FILE  
*American Bar Association*  
X

*Press Intelligence, Inc.*  
WASHINGTON 1, D. C.

AUSTIN (Tex.)  
STATESMAN  
Circ.: e. 28,964

Front Page	Editor Page	Other Page

Date: AUG 28 1959

### A Natural Solicitude

Edward Bennett Williams, a Washington lawyer whose clients include James Hoffa, head of the Teamsters union, and Bernard Goldfine, the Boston industrialist whose gifts to Sherman Adams, one-time White House staff chief, created a scandal, has urged the American Bar Association to advocate that curbs be placed on congressional investigations.

Williams specifically wants the testimony of both accused and witnesses in such examinations as those by the McClellan Senate committee from being broadcast or telecast.

The position of Williams for his clients is understandable. But the accused or witness who is in the clear should welcome the chance to have his story told by every means possible.

And the public, as in the series of McClellan committee investigations, must not be deprived of the right to be fully informed, orally and visually, in such cases. To censor these hearings is not in the national interest.



ADMINISTRATIVE FILE

American Bar  
Association

August 6, 1959

Thomas E. Bracken, Esquire  
413 Saint Paul Place  
Baltimore 2, Maryland

Dear Tom:

Thank you for keeping us up to date regarding the  
annual meeting of the American Bar Association Section  
of Labor Relations Law.

With kind personal regards, I remain

Cordially yours,

Sidney Zagri

SZ/alb



*Memorandum*

CALLEGARY, BRACKEN & CALLEGARY

ATTORNEYS AT LAW

413 Saint Paul Place, Baltimore 2, Md. - SA 7-1365  
202 Eastern Avenue, Essex 21, Md. - MU 6-3043  
38 W. Chesapeake Avenue, Towson 4, Md. VA 5-3551

Date: July 24, 1959

To: Sidney Zappi, Esq.  
International Brotherhood of Teamsters  
25 Louisiana Avenue, NW  
Washington, D. C.

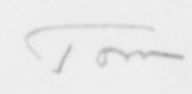
Re: ABA Section of Labor  
Relations Law

In order to keep you up to date with literature being sent out by the American Bar Association Section of Labor Relations Law, I am forwarding herewith to you a photostat of the letter sent out on July 18, 1959, to the members of the Section of Labor Relations Law.

This letter does not say, in so many words, that the Kennedy-Irving Bill is on the agenda, but it certainly infers as much.

The luncheon address by Raskin should also be very illuminating.

Best regards,

  
Thomas E. Bracken

teb/mcs  
enclosure

AMERICAN BAR ASSOCIATION  
ORGANIZED 1878  
SECTION OF LABOR RELATIONS LAW  
1958-1959

American Bar  
Association

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New York 1, N. Y.  
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New York 1, N. Y.  
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1000 Massachusetts Ave.  
Cambridge 38, Mass.  
Section Chairman: Thomas A. Fitzgerald  
1000 Massachusetts Ave.  
Cambridge 38, Mass.

STAFF

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LAW RATING CHAIRMAN: 1000  
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JOHN HANCOCK, WASHINGTON, D. C.  
MARION B. PERRY, SAN FRANCISCO, CALIF.  
VICTOR R. JAMES, CHICAGO, ILL.

July 15, 1959

TO THE MEMBERS OF THE SECTION OF LABOR RELATIONS LAW

Dear Member

As you now have undoubtedly been made aware, the American Bar Association holds its annual convention in Miami Beach commencing Monday, August 24th, 1959. In conjunction with the convention, the Section of Labor Relations Law will hold its meetings on Monday and Tuesday, August 24th and 25th, at the Kenilworth Hotel, Bal Harbour (immediately north of Miami Beach).

Each year labor-management relations bring their share of excitement and crises. The present year is no exception to this rule. As of the date of this letter, the proposed labor legislation dealing with internal union affairs promises to have a prominent place on the Congressional calendar for the remainder of the session. This is all by way of saying that this year's meeting of the Labor Law Section will be of importance and, we hope, of great interest. In addition to the many excellent committee reports which are to be made at the meetings there will be an analysis of recent United States Supreme Court decisions affecting labor relations law by the Secretary of the Section, Archibald Cox, Royall Professor of Law, Harvard. We shall also have a debate concerning the merits of the Kennedy-Khrushchev Bill for Law, as the case may be at the time, by a proponent and opponent of the legislation. Sol Neil Corbin, Assistant Counsel to the Governor of New York, will discuss New York's newly enacted Labor-Management Improper Practices Act.

A high point in this year's program will be a luncheon address by A. H. Raskin, National Labor Correspondent of The New York Times. As one who has heard Mr. Raskin speak, I know that the qualities which he displays so brilliantly in writing are equally apparent in his platform delivery. I am sure that Mr. Raskin will give us an unusual and penetrating insight into the critical problems

which currently meet management and labor. In order that we may know the approximate number that will be in attendance to hear Mr. Raskin, reservations for the luncheon may be made in advance on the enclosed application form. Your request for the desired number of tickets should be accompanied by a check, made payable to the American Bar Association ~~and sent to the General~~ Office, 1155 East 60th Street, Chicago 37, Illinois. ~~The date will be mailed~~ to purchasers, but will be held for you at the General ~~Headquarters~~ Room Lower Level, The Americana. Tickets may be picked up starting Friday, August 21.

I shall look forward to seeing you at this year's meetings. In behalf of the Council, I know that I can promise those who attend that we shall have both informative and interesting meetings.

Sincerely yours,

William J. Isaacson, Chairman  
Section of Labor Relations Law

Enc.

## Attacks On Unions May Backfire, Lawyers Are Told

Lawyers who work for both unions and management agreed Friday afternoon that virulent attacks by management on unions which are attempting to organize their plants help, be unions.

Speaking at a workshop session on "What the General Practitioner Should Know About Federal Labor Legislation" at the American Bar Association's New England regional meeting here, Alfred Kamin of Chicago said such tactics also force unions, if successful in winning NLRB elections, immediately to seek "something big" for their new members.

Gerard B. Reilly, Washington, D. C., who works generally with management, agreed. However, he pointed out that management should use carefully documented attacks on some unions—if, for example, it can prove they are racketeer or Communist dominated.

Reilly said there's more need in small business for the employer to lay all his cards on the table when organizing attempts are made.

"This is especially true when the business is a marginal one, as many small businesses are," he pointed out.

PROF. ARCHIBALD COX of Harvard, moderator, said management can't threaten to close a plant if a union organizes it before an election is held on whether the plant should be organized.

Only disagreement on the need for lack of strong language by management before such an election came from John W. Morgan, Brattleboro, on the management side.

"When the employer talks with his friends at the golf club, he learns of work restrictions and other prerogatives that are taken away from him when a union organizes his plant. He can't be blamed for wanting to keep his own prerogatives," Morgan declared.

Cox asserted that part of the lawyers' job is to acquaint the employer with the fact that ideas picked up at the golf club may not be correct in the modern world and may be "a bit prejudiced."

SHIFTING TO the question of picketing by a union that's trying to organize a plant, Reilly called this "a great hole in the Taft-Hartley Law since putting pickets around a plant in this way isn't recognized as an unfair practice."

But traverses will ordinarily cross such a line unless their union, the Teamsters Union, instructs them specifically not to do so. When that happens, the Teamsters Union is then ready to withdraw its support, he declared.

Cox said that federal courts have jurisdiction in cases involving interstate commerce while state courts do in local situations. Chances of organizational picketing are much better under state laws than federal laws, the experts agreed.

Morgan called organizational picketing under the guise of educational picketing "the last word in intimidation of the employer." He said it forces small businesses out and encourages the growth of large corporations.

BOTH MANAGEMENT and labor lawyers agreed that the employer likes to have one homogeneous bargaining unit in his plant instead of many. Unions, of course, want units in which they can win the organizing elections, they agreed. In negotiating labor contracts, one of the lawyers' prime jobs is to point out what are legal and illegal clauses.

Reilly said he always advises heads of companies not to take part in such negotiations.

"That way they can have time to think things over and won't make statements at the negotiating table which they later regret," he pointed out.

ON THE arbitration clause in labor contracts, Cox asserted that it's now clear under federal law that the company or union may sue to enforce an agreement to arbitrate.

Other members of the panel were William Lonsdale, professor of industrial relations, Cornell University, and Robert M. Seal, Boston, former chairman of the ABA's section of labor relations law.

In another Friday afternoon workshop session, "Income Tax Problems of Small Businesses" were discussed.

Presiding was Allan H. W. Higgins, Boston, and panelists included Harry E. Mansfield and William Sheldermine, Boston, Merrill B. Bradford, and Paul N. Olson, Brattleboro, Vt.

ADMINISTRATIVE FILE

American Bar Assoc.

Press Intelligence, Inc.

WASHINGTON 1, D. C.

PORTLAND (Me.)  
PRESS HERALD  
TELEGRAM

Circ.: m. 51,452

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100

AMERICAN BAR ASSOCIATION  
ORGANIZED 1879  
SECTION OF LABOR RELATIONS LAW  
1962-1963

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*American Bar Association*

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Morris P. Glushien  
1100 Broadway  
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Advisory Council  
Robert M. Stone  
1100 Broadway  
New York, N. Y.

COUNCIL  
The Council and  
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January 11, 1963

Mr. Macomber, Fellow & Philbert, Co-Chairman, Special "Gull-Varrier" Committee  
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Chairman

cc: Tracy R. Ferguson, Esq.

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*Tele*  
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*MDV*  
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**25 LOUISIANA AVE., N.W., WASH., D. C.**

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F. J. BARTOSIC

Practising Law Institute  
B July 19, 1931  
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House Counsel

FJB/alb  
Atchmt

TEAMSTERS NEWS SERVICE  
25 Louisiana Ave. N. W.  
Washington, D. C.  
September 4, 1959

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*American Bar Association*

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WASHINGTON, D. C. (SPECIAL) Teamster attorney Edward Bennett Williams urged the annual convention of the American Bar Association last month to support a code of procedures for Congressional investigations "to end the abuse of human rights by Congressmen."

Williams said that Congressional committees and their investigators have violated the American bill of rights and the mandate of the U. S. Supreme Court. They have usurped the power of grand juries and the courts, he said.

"The power of Congressional inquiry confers no right to conduct an investigation for the purpose of castigating, humiliating, degrading, exposing or punishing a witness or any other person.

"Congress can maintain the respect of the American people only if it assumes the responsibility of safeguarding the legal and constitutional rights of all witnesses before its committees, and all other persons who may be adversely affected by exercise of the Congressional power of inquiry," Williams declared.

He said that Congressional committees abuse their right of subpoena powers "by demanding records that are of no concern to them." He specifically cited the McClellan Committees' demand

-more-

for all the records of the International Brotherhood of Teamsters dating back to 1945.

"It would take 15 freight cars to haul the records demanded by the McClellan Committee from the headquarters of the Teamsters Union," he said.

Williams proposed a 10-point code of proper behavior for Congressional investigating committees. They include the following:

--All subpoenas or requests to testify shall be in writing, shall state the question under inquiry, and the subject matter of the interrogation to be directed toward the witness, and the subpoena shall be served at least 48 hours in advance of his appearance.

--No subpoena shall be issued without the approval of the majority of the committee unless the majority has delegated the power to issue subpoenas to the chairman and a member of the minority political party.

--Every witness shall have the right to be accompanied by counsel.

--Every witness shall have the right to read a prepared statement of reasonable length into the record.

--No witness shall be compelled to testify at any hearing unless at least two members of the committee are present.

--No witness shall be compelled to have his testimony broadcast, televised or filmed for newsreel.

--No witness who has testified in executive session shall be required over his objection to repeat his testimony on the same subject matter in open session.

--All testimony which is likely to defame another person shall be heard in executive session. If defamatory testimony is to be offered, the person defamed shall be notified in advance, and shall be entitled to testify on his own behalf at the same

hearing.

--No committee report containing defamatory statements shall be made public unless the person defamed is given an opportunity to testify before the committee, and his testimony published or summarized as part of the report.

--Every person shall be given a reasonable opportunity to inspect the transcript of his testimony in person and by counsel and to make proper correction.

\* \* \* \* \*



ADMINISTRATIVE FILE  
*American Bar Association*  
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*Press Intelligence, Inc.*  
WASHINGTON 1, D. C.

AUSTIN (Tex.)  
STATESMAN  
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Date: AUG 28 1959		

### A Natural Solicitude

Edward Bennett Williams, a Washington lawyer whose clients include James H. Duff, head of the Teamsters union, and Bernard Goldfine, the Boston industrialist whose gifts to Sherman Adams, one-time White House staff chief, created a scandal, has urged the American Bar Association to advocate that curbs be placed on congressional investigations.

Williams specifically wants the testimony of both accused and witnesses in such examinations as those by the McClellan Senate committee from being broadcast or telecast.

The position of Williams for his clients is understandable. But the accused or witness who is in the clear should welcome the chance to have his story told by every means possible.

And the public, as in the series of McClellan committee investigations, must not be deprived of the right to be fully informed, orally and visually, in such cases. To censor these hearings is not in the national interest.



ADMINISTRATIVE FILE

American Bar  
Association

August 6, 1959

Thomas E. Bracken, Esquire  
413 Saint Paul Place  
Baltimore 2, Maryland

Dear Tom:

Thank you for keeping me up to date regarding the  
annual meeting of the American Bar Association Section  
of Labor Relations Law.

With kind personal regards, I remain

Cordially yours,

Sidney Zagri

SZ/alb

*Memorandum*

CALLEGARY, BRACKEN & CALLEGARY

ATTORNEYS AT LAW

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Date: July 24, 1959

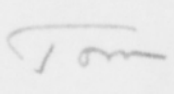
To: Sidney Zappi, Esq.  
International Brotherhood of Teamsters Re: ABA Section of Labor  
25 Louisiana Avenue, NW Relations Law  
Washington, D. C.

In order to keep you up to date with literature being sent out by the American Bar Association Section of Labor Relations Law, I am forwarding herewith to you a photostat of the letter sent out on July 18, 1959, to the members of the Section of Labor Relations Law.

This letter does not say, in so many words, that the Kennedy-Irving Bill is on the agenda, but it certainly infers as much.

The luncheon address by Raskin should also be very illuminating.

Best regards,

  
Thomas E. Bracken

teb/mcs  
enclosure

AMERICAN BAR ASSOCIATION  
ORGANIZED 1878  
SECTION OF LABOR RELATIONS LAW  
1958-1959

American Bar Association

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July 15, 1959

TO THE MEMBERS OF THE SECTION OF LABOR RELATIONS LAW

Dear Member

As you now have undoubtedly been made aware, the American Bar Association holds its annual convention in Miami Beach commencing Monday, August 24th, 1959. In conjunction with the convention, the Section of Labor Relations Law will hold its meetings on Monday and Tuesday, August 24th and 25th, at the Kenilworth Hotel, Bal Harbour (immediately north of Miami Beach).

Each year labor-management relations bring their share of excitement and crises. The present year is no exception to this rule. As of the date of this letter, the proposed labor legislation dealing with internal union affairs promises to have a prominent place on the Congressional calendar for the remainder of the session. This is all by way of saying that this year's meeting of the Labor Law Section will be of importance and, we hope, of great interest. In addition to the many excellent committee reports which are to be made at the meetings there will be an analysis of recent United States Supreme Court decisions affecting labor relations law by the Secretary of the Section, Archibald Cox, Royall Professor of Law, Harvard. We shall also have a debate concerning the merits of the Kennedy-Khrushchev Bill for Law, as the case may be at the time, by a proponent and opponent of the legislation. Sol Neil Corbin, Assistant Counsel to the Governor of New York, will discuss New York's newly enacted Labor-Management Improper Practices Act.

A high point in this year's program will be a luncheon address by A. H. Raskin, National Labor Correspondent of The New York Times. As one who has heard Mr. Raskin speak, I know that the qualities which he displays so brilliantly in writing are equally apparent in his platform delivery. I am sure that Mr. Raskin will give us an unusual and penetrating insight into the critical problems

which currently meet management and labor. In order that we may know the approximate number that will be in attendance to hear Mr. Raskin, reservations for the luncheon may be made in advance on the enclosed application form. Your request for the desired number of tickets should be accompanied by a check, made payable to the American Bar Association and sent to the General Office, 1155 East 60th Street, Chicago 37, Illinois. The luncheon will be held in Room Lower Level, The Americana. Tickets may be picked up starting Friday, August 21.

I shall look forward to seeing you at this year's meetings. In behalf of the Council, I know that I can promise those who attend that we shall have both informative and interesting meetings.

Sincerely yours,

William J. Isaacson, Chairman  
Section of Labor Relations Law

Enc.

## Attacks On Unions May Backfire, Lawyers Are Told

Lawyers who work for both unions and management agreed Friday afternoon that virulent attacks by management on unions which are attempting to organize their plants help, he said.

Speaking at a workshop session on "What the General Practitioner Should Know About Federal Labor Legislation" at the American Bar Association's New England regional meeting here, Alfred Kamin of Chicago said such tactics also force unions, if successful in winning NLRB elections, immediately to seek "something big" for their new members.

Gerard B. Reilly, Washington, D. C., who works generally with management, agreed. However, he pointed out that management should use carefully documented attacks on some unions—if, for example, it can prove they are racketeer or Communist dominated.

Reilly said there's more need in small business for the employer to lay all his cards on the table when organizing attempts are made.

"This is especially true when the business is a marginal one, as many small businesses are," he pointed out.

PROF. ARCHIBALD COX of Harvard, moderator, said management can't threaten to close a plant if a union organizes it before an election is held on whether the plant should be organized.

Only disagreement on the need for lack of strong language by management before such an election came from John W. Morgan, Boston, on the management side.

"When the employer talks with his friends at the golf club, he leaves out work restrictions and other prerogatives that are taken away from him when a union organizes his plant. He can't be blamed for wanting to use his own prerogatives," Morgan declared.

Cox asserted that part of the lawyers' job is to acquaint the employer with the fact that ideas picked up at the golf club may not be correct in the modern world and may be "a bit prejudiced."

SHIFTING TO the question of picketing by a union that's trying to organize a plant, Reilly called this "a great hole in the Taft-Hartley Law since picketing is not prohibited in this way but is recognized as an unfair practice."

But traverses will ordinarily cross such a line unless their union, the Teamsters Union, instructs them specifically not to do so. When that happens, the Teamsters Union is then rudely obstructed, he declared.

Cox said that federal courts have jurisdiction in cases involving interstate commerce while state courts do in local business. Chances of organizational picketing are much better under state laws than federal laws, the experts agreed.

Morgan called organizational picketing under the guise of educational picketing "the last word in intimidation of the employer." He said it forces small businesses out and encourages the growth of large corporations.

BOTH MANAGEMENT and labor lawyers agreed that the employer likes to have one homogeneous bargaining unit in his plant instead of many. Unions, of course, want units in which they can win the organizing elections, they agreed. In negotiating labor contracts, one of the lawyers' prime jobs is to point out what are legal and illegal clauses.

Reilly said he always advises heads of companies not to take part in such regulations.

"That way they can have time to think things over and won't make statements at the negotiating table which they later regret," he pointed out.

ON THE arbitration clause in labor contracts, Cox asserted that it's now clear under federal law that the company or union may sue to enforce an agreement to arbitrate.

Other members of the panel were William Isaacson, professor of industrial relations, Cornell University, and Robert M. Seal, Boston, former chairman of the ABA's section of labor relations law.

In another Friday afternoon workshop session, "Income Tax Problems of Small Businesses" were discussed.

Presiding was Allen H. W. Higgins, Boston, and panelists included Harry K. Mansfield and William Shalmerdine, Boston, Merrill R. Bradford, and Paul N. Olson, Brattleboro, Vt.

ADMINISTRATIVE FILE

American Bar Assoc.

Press Intelligence, Inc.

WASHINGTON 1, D. C.

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